

DECISION MEMO

Prescribed Burning

USDA Forest Service
Southern Region, Chattahoochee-Oconee National Forests
Oconee Ranger District
Ocmulgee River Rum Creek
Jasper & Jones Counties, Georgia

I. DECISION**A. Description of Decision**

I have decided to carry out the prescribed burning project for rough reduction, wildlife habitat improvement, and endangered Red-Cockaded Woodpecker (RCW) habitat improvement on approximately 4,210 acres on the Oconee Ranger District. The compartments in the Ocmulgee River Rum Creek Watershed Management Area, listed in Table 1 will be burned when weather conditions are optimal either in the winter or summer. Approximately 1.5 miles of new fire control lines will be constructed and existing control lines will be maintained.

Table 1: A list of the areas to be burned.

| Compartment | Approximate Burn Acres | Rough Reduction & Wildlife | RCW |
|--------------------|---------------------------------------|---|--------------|
| 110 | 892 | 892 | 892 |
| 111 | 1,242 | 1,242 | 970 |
| 120 | 1,076 | 1,076 | 785 |
| Hitchiti 1-10 | 1,000 | 1,000 | 1,000 |
| Total Acres | 4,210 | 4,210 | 3,647 |

The areas listed are within the Sub-Habitat Management Area (Sub-HMA) where the RCW populations are active. These areas are currently being managed for existing and future foraging and nesting habitat. Aerial ignition or ground ignition sources (or both) will be utilized. Individual compartment maps showing each burn area in more detail are available upon request.

Site specific mitigation measures for wildlife, archeology, soils, including the application of Georgia BMP's (Best Management Practices) are documented in the unit specific Burn Plans on file at the Oconee Ranger District office. Approximately 1.5 miles of control line construction will be utilized to implement the prescribed burning.

B. Purpose of Decision

In the recent revision to the Land and Resource Management Plan for the Chattahoochee-Oconee National Forests (Revised Forest Plan; 01/2004) compartment 110, 111, and 120 are predominantly MA 8.D.1 Red-Cockaded Woodpecker Habitat Management Areas. Compartments 1 through 10 comprise the Hitchiti Experimental Forest which is part of the Sub-HMA for RCW and is subject to

the same management criteria as MA 8.D.1. All compartments contain 9.H Management, Maintenance and Restoration of Plant Associations. In addition, all compartments have MA 11 – Riparian Corridors along streams.

The proposed action of prescribed burning accomplishes several desired future conditions as stated in the Chattahoochee-Oconee National Forest Land and Resource Management Plan (LRMP; January 2004). Listed are some of the goals that will be accomplished through this project proposal:

1. Goal 51 – Contribute to the conservation and recovery of the red-cockaded woodpecker (*Picoides borealis*) until species viability is assured throughout its range and it is no longer listed as an endangered species under the endangered species act.
2. Goal 58 – Reduce the risks and consequences of wildfire through fuel treatments that restore and maintain conditions of the fire regime Condition Class 1 to the extent practicable.
3. Goal 1 – Contribute to the viability of native and other desirable wildlife species.
4. Goal 3 – Enhance, restore, manage and create habitats as required for wildlife and plant communities, including disturbance-dependent forest types.
5. Goal 31 – Provide a spectrum of high quality, nature-based recreation settings and opportunities, that reflect the unique or exceptional resources of the Forest and the interests of the recreating public on an environmentally sustainable, financially sound, and operationally effective basis.

Rough reduction burning will protect forest resources in areas of high fuel build-up. Reducing the fuel build-up will decrease the amount of fuels available to carry and support a wildfire, thereby reducing the chances for a catastrophic fire. The reduction in fuels will make wildfire suppression efforts less dangerous and costly while also decreasing damage to forest resources that might occur from a possible hotter, uncontrolled fire. An increase in fuel loading is currently occurring due to the Southern Pine Beetle (SPB) and other natural causes such as self thinning in overstocked stands. Another contributing factor to the increase in fuel loading is the exclusion of timber sales for almost a decade. Mechanical thinning of the forest has historically occurred with timber sales, and pre-commercial thinning of these timber stands. Without these management practices, thicker, denser stands are occurring throughout the Oconee National Forest. Compartments listed for rough reduction burning are listed within Table 1.

Wildlife habitat burning improves the habitat not only for game species such as deer, turkey, quail, and mourning dove, as well as nesting and foraging habitat for local resident birds such as Brown Headed Nuthatch, Pine Warbler, and Eastern Phoebe along with priority birds such as Bachman's Sparrow and Chuck-Wills-Widow. The mosaic pattern of burn and unburned areas tend to maximize "edge effect" which promotes a large and varied native wildlife population. These areas will benefit wildlife and improve the habitat for RCW (Please refer to Table 1).

Prescribed burning provides the foundation for both restoration and maintenance of the southern pine ecosystem upon which the **endangered RCW** depends. Reintroduction of prescribed burning during the growing season will be an important factor in maintaining the sustainability of RCW foraging and nesting habitat. Prescribed burning used effectively, is the most efficient and "natural" way to maintain RCW habitat (nesting and foraging) in optimal condition (RCW FEIS, Fish and Wildlife Appendix, Page 149). The objectives are to reduce the hardwood midstory in these habitat areas, which not only will aid in the foraging and nesting of the RCW but also benefit priority species Chuck-wills-widow, Bachman's Sparrow

and Bobwhite Quail by opening the canopy, and propagation of a native grass understory.

Monitoring, including permanent monitoring points in burned and unburned sites have been established. Pre-burn and post-burn measurements will be taken and documented. In addition, visual observations of standard mitigation measures will be documented in the post burn analysis.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

The specific category – identified in the Forest Service Handbook 1909.15, “Environmental Policy and Procedures” Section 31.2 – is described below:

Category 6 – “Timber stand and/or wildlife habitat improvement activities which do not include the Use of herbicides or do not require more than one mile of low standard road construction”.

B. Relationship to Extraordinary Circumstances

The District interdisciplinary team for the prescribed burning project conducted the environmental analysis. The ID team consisted of the following individuals:

Bill Nightingale – District Ranger
Melissa Anderson – Engineer
Tim Walker – Forester
Mike Caldwell – Fuels Technician

Elizabeth Caldwell – Wildlife Biologist
David Fowler – Recreation Technician
Tony Wild – Fire Management Officer
James Wettstaed – District Archaeologist

The team reviewed the extraordinary circumstances as defined in the Forest Service Handbook 1909.15, Section 30.3. Upon review, the team determined that none of them apply to the prescribed burning project.

1. Steep Slopes or Highly Erosive Soils -

Rolling to flat, the terrain is conducive to the activities included in the decision. This is supported by topographical map review and field visits (see Planning Record). Field observations of similar past projects in these areas were determined to have no significant soil-related impacts.

2. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service (see Planning Record). The information indicated that there is critical habitat for Red-Cockaded Woodpecker within the decision area. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Evaluation (attached).

It was determined that this decision 'may affect but is not likely to adversely affect' the Red-Cockaded Woodpecker. The U.S. Fish and Wildlife Service has reviewed our findings, and issued written concurrence with them (Planning Record).

Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "... the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

The project is not located in or near floodplains. This has been validated by map and site-review. This decision will not affect floodplains.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

This decision includes activities within wetlands. This has been validated by map and site-review (Planning Record). Prescribed fire (such as would naturally occur) within the wetlands will be utilized to regenerate and rejuvenate a limited number of these habitats. This limited type of prescribed burning will not change the function of the wetlands. Based on previous projects and field observations in similar habitats no significant wetlands-related impacts are anticipated. This decision should not result in significant wetlands-related impacts.

To further ensure that wetlands-related impacts are minimized, "State of Georgia Best Management Practices" (BMP's) will be utilized.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in forest plans. This decision will not affect municipal watersheds.

3. Congressionally Designated Areas -

This decision does not affect Wilderness, National Recreation Areas, or Wild and Scenic Rivers.

4. Inventoried Roadless Areas -

There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area (Forest Plan FEIS & FP Planning Record). This decision will not affect inventoried roadless areas.

5. Research Natural Areas -

There are no Research Natural Areas in the decision area (burn blocks). This decision, with impacts limited to the immediate area of activity, will not affect Research Natural Areas.

6. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas -

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (Planning Record). A ‘no properties affected’ determination was made. Consultation on this finding occurred with the State Historic Preservation Office (Planning Record).

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes (Planning Record). The intent of this consultation has been to remain informed about Tribal concerns.

No tribal concerns were identified for this project (Planning Record).

8. Other

No other extraordinary circumstances related to the project were identified (Planning Record).

III. PUBLIC INVOLVEMENT

The Eatonton Messenger in Eatonton, Georgia received notification of the project and a legal notice was printed in the January 13th, 2005 edition of the newspaper. This information was also posted on the Chattahoochee – Oconee Forest website.

Scoping letters were sent out to 71 interested persons on the same date. Representatives of the Georgia Department of Natural Resources and the US Fish and Wildlife Service participated in the initial ID Team meeting held at the Oconee Ranger District. Issues addressed at this meeting included burning in hardwood areas, smoke management, public communications, protection of unique areas, game species habitat management, and “summer burning”. These issues are addressed within this decision and the project analysis.

A recent Federal Court decision in Earth Island Institute v. Ruthenbeck invalidated the provisions of 36 CFR Part 215 that excluded categorical exclusions from notice, comment and appeal. The District Court further clarified that its order is to be applied prospectively after July 7, 2005 nationwide. Since this project is now subject to the Court order, I am making this project subject to a formal notice and comment period. A legal notice, describing the project and initiating a 30 day comment period was published in the Eatonton Messenger on October 27, 2005. A letter containing similar information was also sent to individuals and organizations that provided scoping comments.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

In the recent revision to the Land and Resource Management Plan for the Chattahoochee-Oconee National Forests (Revised Forest Plan; 01/2004) compartment 110, 111, and 120 are predominantly MA 8.D.1 Red-Cockaded Woodpecker Habitat Management Areas. Compartments 1 through 10 comprise the Hitchiti Experimental Forest which is part of the Sub-HMA for RCW and is subject to the same management criteria as MA 8.D.1. All compartments contain 9.H Management, Maintenance and Restoration of Plant Associations. In addition, all compartments have MA 11 – Riparian Corridors along streams.

For water quality management, the direction of Georgia state approved “Best Management Practices” (BMPs) will be met through implementation of the LMP standards and guidelines for this project. These BMPs are from State water quality management plans and have been designed with the goal of producing water that meets or exceeds State water quality standards. The project will be monitored to ensure the desired effects of BMPs are achieved. If effects are significantly higher than anticipated because of unforeseen site factors or events, appropriate corrective measures will be considered and implemented.

The Multiple Use Sustained Yield Act, the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and the National Historic Preservation Act and their implementing regulations apply to the planning and implementation of this decision.

Forest Plan Consistency

As required by the National Forest Management Act, I have determined that this project is consistent with the Forest-wide standards and guidelines for all Management Areas. Prescribed burning will not lead to any violations of federal, state, or local laws imposed for the protection of the environment. This will be assured by carrying out the burns consistent with the standards and guidelines, management requirements, and mitigating measures established in the Land Management Plans (LMP or Forest Plan) for the Chattahoochee – Oconee National Forests.

Endangered Species Act - See Section II, Item B2 of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species (Regional Forester approved the sensitive species list) have been analyzed and documented in a Biological Evaluation (Planning Record). This decision will have “no impact” on sensitive species population viability.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - See Section II, Item B3 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B3 of this document.

Clean Air Act - Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. The entire Oconee National Forest is classified as Class II airshed. A greater amount of additional human-caused air pollution may be added to these areas. No areas on the Forest have been designated as Class III at this time. Georgia Department of Environmental Quality regulates prescribed burning in the state in accordance with the State Implementation Plan (SIP). The State has been involved in the planning process (Planning Record). Prescribed burning in this decision will coordinate with the State and follow the SIP to protect air resources, including obtaining and following air quality permits, if needed.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. No known cave resources will be affected by this decision.

National Historic Preservation Act - See Section II, Item B7 of this document.

Archaeological Resources Protection Act - See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B7 of this document.

Wild and Scenic Rivers Act - See Section II, Item B4 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL

A recent Federal Court decision in Earth Island Institute v. Ruthenbeck invalidated the provisions of 36 CFR Part 215 that excluded categorical exclusions from notice, comment and appeal. The District Court further clarified that its order is to be applied prospectively after July 7, 2005 nationwide. Since this project is now subject to the Court order, I am making this project subject to a formal notice and comment period. A legal notice, describing the project and initiating a 30 day comment period was published in the Eatonton Messenger on October 27, 2005. A letter containing similar information was also sent to individuals and organizations that provided scoping comments.

VI. IMPLEMENTATION DATE

As per 36 CFR 215.9(c)(1), when no substantive comments are received during the 30 day comment period relating to the proposed action(s) analyzed and documented in the environmental analysis, implementation of this decision may occur immediately after publication (36 CFR 215.7(b)) of a decision document. I plan to carry out this project beginning in 2005/2006, and continue throughout the following year as weather conditions permit. If weather conditions do not allow for burning activities, these areas will be carried over to the following year under the same guidelines and without further documentation.

VII. CONTACT PERSON

For further information concerning this decision contact Bill Nightingale, Oconee Ranger District, 1199 Madison Road, Eatonton, Georgia 31024. Telephone (706) 485-7110 between the hours of 8:00 am to 4:30 pm Monday thru Friday.

VIII. SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.12 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the Planning Record.

/s/ *William B. Nightingale*

William B. Nightingale
District Ranger

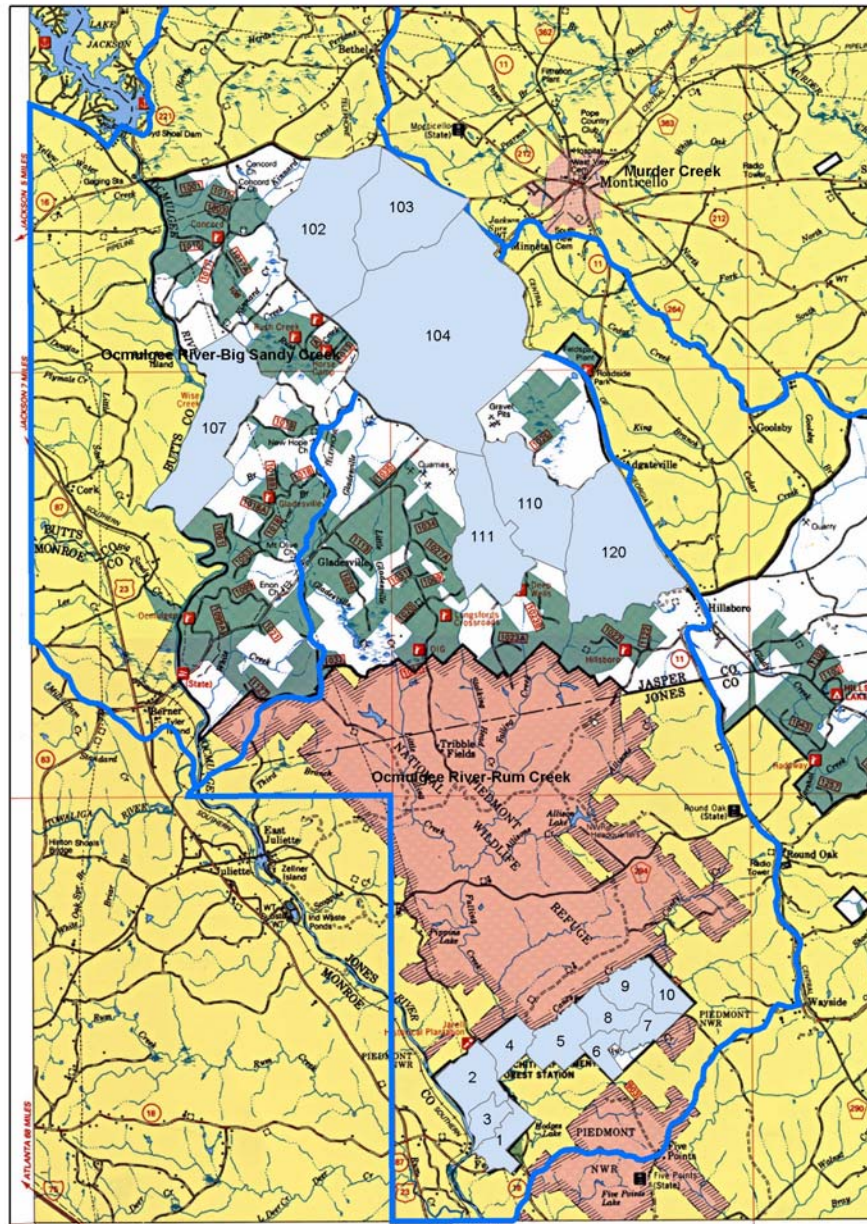
____ **11/30/2005** ____
Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) Should contact USDA's target center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-w, Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD).

USDA is an equal opportunity provider and employer.

Prescribed Burning 2006 Rum Creek Watershed



Data shown on this map are for reference only.
The Forest Service strives to obtain accurate and precise data;
however, there are likely some errors in these data

SCALE: 1 inch = 2.5 miles